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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/790,551	10/790,551 03/01/2004		Rudolf Neumann	057517/0045	9716	
29619	7590	03/20/2006		EXAM	EXAMINER	
SCHULTE	ROTH &	ZABEL LLP	KRAUSE, JUST	KRAUSE, JUSTIN MITCHELL		
ATTN: JOEI		KER		ART UNIT	PAPER NUMBER	
919 THIRD AVENUE				ARTONII	PAPER NUMBER	
NEW YORK, NY 10022				3682		
				DATE MAILED: 03/20/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Summer		Application No. Applicant(s)							
Justin Krause — The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ⅓ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ⅙ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. I NO period for reply is pacified above, the maximum standory period will apply and will apply and will be applied to the maining date of this communication. Falsure to spire within the stor extended period for apply will be allowed the property of the page of the communication, several time digustment. See 37 CFR 1.704(6). B Responsive to communication(s) filled on 01 March 2004. 2e) ☐ This action is FINAL. 2b) ☐ This action is fill a condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4i ☐ Claim(s)		10/790,551	NEUMANN, RUDOLF						
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claim 1-14, drawn to a hydrodynamic bearing system and a spindle motor having a hydrodynamic bearing system, classified in class 384, subclass 119.
 - II. Claims 15-16, drawn to a method of manufacturing a hydrodynamic bearing system, classified in class 29, subclass 898.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process could be used to manufacture a bearing that does not have a shield enclosing the bearing sleeve.
- 3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JUL

3116/06

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER